

Serial No. **10/673,282**

Docket No. **YHK-0120**

Amendment dated February 20, 2007

Reply to Office Action of November 20, 2006

REMARKS

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

By the present response, Applicant has amended claims 1-5, 12, 14 and 16-19 to further clarify the invention. Claims 1-10 and 12-22 are pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claim 22 has been objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 1-10 and 12-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,023,406 (Nunomura). Claims 1-10 and 12-22 have been provisionally rejected as double patenting under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-12, 17, 22, 26 and 31-36 of copending Application No. 10/947,334.

Claim Objections

Claim 22 has been objected because of informalities, the Examiner asserting that claim 22 is a copy of previously presented and now cancelled claim 11, incorporated into independent claim 1. However, claim 1 states “in a stepwise manner in accordance with the average picture level as the average picture level goes from a first level into a second level,” whereas claim 22 further narrows first level and second level into “lower level” and “higher level,” respectively. Accordingly, Applicants respectfully request that this objection be withdrawn.

35 U.S.C. § 102 Rejections

Claims 1-10 and 12-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Nunomura et al. Applicants have discussed the deficiencies of this reference in Applicants’ previously filed response and reassert all arguments submitted in that response. Applicants respectfully traverse these rejections and provide the following additional remarks.

Regarding claims 1, 12, 14 and 16, Applicants submit that Nunomura et al. does not disclose or suggest the limitations in the combination of each of these claims of, *inter alia*, setting a period of each sustaining pulse in proportion to the average picture level, the sustaining pulse having a wider period as the average picture level becomes higher, the wider period being obtained by increasing one of a high width of the sustaining pulse or a low width of the sustaining pulse. The Examiner appears to assert that Figures 1, 3, 4 and 8 of Nunomura et al. disclose these limitations. However, these portions merely disclose various graphs of a number

of sustaining pulses versus APL level and associated values for a sustaining pulse period related to a group of APL levels. This is not setting a period of each sustaining pulse in proportion to the average picture level the sustaining pulse having a wider period as the average picture level becomes higher, the wider period being obtained by increasing one of a high width of the sustaining pulse or a low width of the sustaining pulse, as recited in the claims of the present application. Neither these figures, nor any other figures, nor any of the disclosure in Nunomura et al. disclose or suggest the sustaining pulse having a wider period where the wider period is obtained by increasing one of a high width of the sustaining pulse or a low width of the sustaining pulse.

Regarding claims 2-10, 13, 15 and 17-22, Applicants submit that these claims are dependent on one of independent claims 1, 12, 14 and 16 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicants submit that Nunomura et al. does not disclose or suggest the limitations in the combination of each of claims 1-10 and 12-22 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Double Patenting Rejections

Claims 1-10 and 12-22 have been provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-12, 17, 22, 26 and 31-36 of co-pending application

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number 10/947,334. This application has been abandoned therefore rendering these rejections moot.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 1-10 and 12-22 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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